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Simon
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: T. HIDAKA et al.

S.N.: 10/089,131

Filed: March 25, 2002

Confirmation No: 2506

For: PHENOL COMPOUNDS AND RECORD-
ING MATERIALS USING THE SAME

)
)
) Examiner: S. KUMAR

)
) Art Unit: 1621

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Luann McCormick, Legal Assistant

RULE 312 AMENDMENT TO CLARIFY ENTRY
OF REQUIREMENT FOR NEW DECLARATION
WHICH HAS BEEN NOTED ON PAIRS

Box Issue Fee
Commissioner for Patents
Attn: Art Unit 1621 (S. KUMAR)
P.O. Box 1450
Alexandria, VA 22313-1450

Match and Return

Dear Sir:

Applicants note that the Notice of Allowance was issued on July 31, 2003; with absolutely no additional conditional filings required prior to or simultaneously with the payment of the issue fee due October 31, 2003.

However, upon review of the PAIRS system, Applicants' representative noticed (just by chance) that an entry had been made indicating that an oath or declaration is required and that a notice to that effect had been mailed on July 31, 2003. Applicants' representative did receive the Notice of Allowance, which was mailed on July 31, 2003, but no other communication related to a requirement to file another declaration.

After re-reviewing the Notice of Allowance, there is absolutely no mention that an additional declaration is required and, as mentioned above, no other communication regarding this case has been received in the mail.

After discussing the matter with the Examiner, to his recollection, he did not include the requirement and had he done so, it would have been included in the Notice of Allowance. He attempted to retrieve the case but the case is in the data-capturing phase (PA contractor) and will not be available until the end of September.

We respectfully ask that the Patent Office clarify what appears to be a docket clerk entry error to ensure that the application goes to issue in its normal course without further delay.

Further, upon subsequent discussions with the Examiner, it appears that the case may not be available until just prior to the need to pay the issue fee, which can again complicate the administrative process of the issuance of the patent. Therefore, Applicants feel obligated to file an unnecessary supplemental declaration in order to ensure that no further delays occur as a result of the docketing clerk's error.


Attached is a supplemental declaration for entry if required; otherwise, please ensure that the submission of this Rule 312 Amendment has no impact to Applicants' patent term adjustment.

CONCLUSION

Please clarify the issue of the requirement for a new declaration and either delete the PAIRS entry and file wrapper entry if not required, or enter the attached Supplemental Declaration.

Very respectfully,

Dated: 9/9/03


Dennis G. LaPointe
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